

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA

Docket No.: **11 CR 602(GTS)**

Plaintiff,  
-against-

JOSEPH VINCENT JENKINS,

**NOTICE OF MOTION TO  
WITHDRAW AS COUNSEL**

Defendants.

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TO: HON. GLENN T. SUDDABY, USDJ  
JOSEPH VINCENT JENKINS  
. TAMARA TOMPKINS, ASSISTANT US ATTORNEY

AARON M. GOLDSMITH, attorney for JOSEPH VINCENT JENKINS., hereby moves this Court for an Order, pursuant to Local Rule 83.2( b), granting Movant's application to withdraw as Counsel to the above-referenced Defendant; granting a brief continuance of sentencing proceedings; and for such other and further relief as this Court deems just and proper;

AARON M. GOLDSMITH, ESQ.  
Attorney for Defendant  
225 Broadway, Suite 715  
New York, NY 10007  
(914) 588-2679  
*aarongoldsmithlaw@gmail.com*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA

Docket No.: **11 CR 602 (GTS)**

Plaintiff,  
-against-

JOSEPH VINCENT JENKINS,

**AFFIRMATION IN  
SUPPORT OF MOTION TO  
WITHDRAW AS COUNSEL**

Defendants.

-----X  
I, AARON M. GOLDSMITH, an attorney duly admitted to practice law before the Courts of the State of New York, and the US District Court, Northern District of New York, affirms the following under penalty of perjury:

1. I am currently the Attorney-of-Record for Defendant JOSEPH VINCENT JENKINS.
2. I make this Affirmation in Support of my motion for an Order, pursuant to Local Rule 83.2(b) of Civil Procedure, withdrawing Your Affirmant as attorney-of-record for the above-referenced Defendant; and for such other and further relief as this Court deems just and proper.
3. Mr. Jenkins is scheduled to be sentenced on June 17, 2014, and his sentencing memorandum due to be filed May 27, 2014.
4. Your Affirmant and Defendant JENKINS are aware of these impending deadlines.
5. Your Affirmant seeks this drastic relief due to an irreparable breakdown in attorney-client communication.

6. During the preceding weeks, Your Affirmant and Defendant JENKINS have had numerous conversations regarding the sentencing procedure and arguments that may be made during same.
7. Without waiving the substance of any privileged conversations, Your Affirmant has repeatedly discussed the necessity of legal basis and standing to raise arguments at sentencing. Your Affirmant has also discussed the procedural history of the case and what issues have been preserved on the record.
8. Despite these repeated conversations, Defendant JENKINS has refused to acknowledge, what I believe, is Your Affirmant's duty to balance his advocacy with ethical and professional responsibilities.
9. As a result, there has been a total breakdown in our attorney-client relationship.
10. Without waiving the substance of any privileged conversations, Defendant JENKINS provided Your Affirmant with an ultimatum by letter recently, that if I could or would not present certain arguments at sentencing that I should make the instant application. Despite several conversations in the meantime specifically discussing sentencing arguments, I have been unable to reach a mutual understanding of appropriate representation at this final stage of litigation.
11. In light of the significant duration of Defendant JENKINS' calculated, albeit advisory, sentencing guidelines, Your Affirmant believes that neither Defendant JENKINS nor the

Government, will not be prejudiced by Relieving me from this matter as Defendant's Counsel and briefly continuing the sentencing procedures to permit Mr. Jenkins the opportunity to investigate whether family is able to retain new counsel.

12. I have notified Defendant JENKINS that I would be filing the instant application, to his acquiescence.

13. I have further notified the Government of same.


14. As a result of the foregoing, it is respectfully requested that the Court grant Your Affirmant's application, and issue an Order withdrawing me as Counsel for Defendant JOSEPH VINCENT JENKINS; and for such other and further relief as this Court deems just and proper.

### **CONCLUSION**

Upon the foregoing arguments, as well as the pleadings and proceedings heretofore had herein, the Court should grant an Order pursuant to Local Rule 83.2(b), withdrawing AARON M. GOLDSMITH as Counsel of Record of Defendant JOSEPH VINCENT JENKINS; granting a brief continuance of sentencing proceedings; and for such other and further relief this Court deems just and proper.

Dated: May 26, 2014

New York, NY



AARON M. GOLDSMITH, ESQ. (519101)  
ATTORNEY FOR DEFENDANT  
225 Broadway, Suite 715  
New York, NY 10007  
(914) 588-2679  
[aarongoldsmithlaw@gmail.com](mailto:aarongoldsmithlaw@gmail.com)

TO:

***Via Overnight***

JOSEPH JENKINS  
TIOGA COUNTY JAIL  
103 Corporate Dr.  
Owego, NY 13827

***Via Email and ECF***

U.S. ATTORNEYS' OFFICE, NDNY  
Attn.: Tamara B. Thomson, AUSA  
Syracuse, New York  
Bar Roll #515310

**CERTIFICATION OF SERVICE**

AARON M. GOLDSMITH, an attorney duly admitted to practice law before the Courts of the United States, Southern District of New York, affirms the following under penalty of perjury:

That I am the attorney for Defendant JOSEPH VINCENT JENKINS, in the above-entitled action; that I am not a party to this action; and that on the 26<sup>th</sup> day of May, 2014, I served the annexed MOTION, by ECF and postal means, to the following:

***Via Overnight***

JOSEPH JENKINS  
TIOGA COUNTY JAIL  
103 Corporate Dr.  
Owego, NY 13827

***Via Email and ECF***

U.S. ATTORNEYS' OFFICE, NDNY  
Attn.: Tamara B. Thomson, AUSA  
Syracuse, New York  
Bar Roll #515310

This being the address of record within the State of New York, listed for service of the parties to the within action.

Dated: New York, NY  
May 26, 2014



Aaron M. Goldsmith, Esq.



**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA

Docket No.: 11 CR 602 (GTS)

Plaintiff,

-against-

JOSEPH VINCENT JENKINS,

**ORDER TO**  
**WITHDRAW AS COUNSEL**

Defendant.

-----X  
Upon the application of AARON M. GOLDSMITH, attorney, for an Order  
Withdrawing/Relieving him as Attorney-of-Record for Defendant JOSEPH VINCENT JENKINS.

**IT IS HEREBY ORDERED**, that:

1. ~~Counsel AARON M. GOLDSMITH shall be withdrawn/relieved as~~  
~~Attorney-of-Record for Defendant JOSEPH VINCENT JENKINS. and~~
2. **For such other and further relief as this Court deems just and proper.**

Dated: New York, New York

**SO ORDERED**

**HONORABLE GLENN T. SUDARV**